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SENATE BILL 356

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING THE SANITARY PROJECTS ACT
TO PROVIDE FOR LIVESTOCK WATER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-29-3 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-28-3) is amended to read:

"3-29-3. PURPOSE OF ACT--STATEMENT OF POLICY.--The
purpose of the Sanitary Projects Act is to improve the public
health of the people of New Mexico through a program [~~which~~]
that will provide for the installation of sanitary domestic
water facilities, sewage works or both and thus eliminate
present hazardous practices and conditions. It is, therefore,
declared to be the policy of the legislature to assist in
providing facilities for the development of adequate, sanitary
domestic water supplies, sewage works or both, together with

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1 all parts and appurtenances as may be needed to provide
2 [~~domestic~~] water supplies, sewage works or both in rural
3 unincorporated communities."

4 Section 2. Section 3-29-7 NMSA 1978 (being Laws 1965,
5 Chapter 300, Section 14-28-7, as amended) is amended to read:

6 "3-29-7. CONDITIONS DEPARTMENT MAY REQUIRE BEFORE
7 EXTENDING BENEFITS.--

8 A. Insofar as the department deems it necessary for
9 the purpose of the Sanitary Projects Act, the department may,
10 as a condition to extending benefits under its provisions to
11 any community or group of individuals, recommend:

12 (1) agreements or covenants in regard to
13 maintenance and permanent use of such lands, water or
14 facilities benefited by [~~such~~] a domestic water supply, sewers
15 or treatment plant or any of them; provided that the water
16 supplies developed shall not in any case be used for irrigation
17 of commercial crops [~~or for stock watering of animals being~~
18 ~~raised for commercial purposes~~]. The liquid effluent from
19 sewage plants shall not be used for the irrigation of truck
20 crops or fruits, and livestock shall not have access to sewage
21 plant effluents;

22 (2) contributions in cash by the [~~said~~]
23 association in addition to the contract for labor, materials or
24 services as specified [~~heretofore~~] in Section 3-29-5 NMSA 1978;
25 provided that the association's contribution shall always equal

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1 or exceed one-third of the total state cost; and

2 (3) that the state cooperate and contribute
3 financial aid according to the following schedules:

4 (a) a maximum of seven thousand dollars
5 (\$7,000) for each water project or for each sewer project where
6 twenty-eight or fewer dwelling units [~~or less~~] are to be
7 served; provided that no association shall be formed [~~which~~]
8 that shall not provide service for at least ten domestic
9 dwelling units; and

10 (b) two hundred fifty dollars (\$250) per
11 dwelling unit where more than twenty-eight dwelling units are
12 to be served; provided that the total allowable maximum state
13 expenditure for each water project or for each sewer project
14 shall not exceed twelve thousand dollars (\$12,000).

15 B. A requisite to securing such allocation of funds
16 upon a department recommendation shall be that the individuals
17 either collectively or individually in an association shall
18 agree to provide proper sewage disposal facilities for the
19 sanitary removal of potentially harmful material classified as
20 sewage, which shall be occasioned by the installation of
21 running water facilities. Associations shall be eligible for
22 construction grants as provided for in the Federal Water
23 Pollution Control [~~Law (P.L. 660, 84th Congress, as amended)~~]
24 Act.

25 C. No privy, cesspool, septic tank or other means

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1 of sewage disposal or treatment shall be located within one
2 hundred fifty feet of any well, spring or other source of
3 domestic water supply created under the provisions of the
4 Sanitary Projects Act.

5 D. The department may in its discretion and shall
6 upon the petition ~~[or]~~ of twenty-five percent of the users of a
7 project hold a hearing and make a determination as to whether a
8 sanitary project is being operated and managed in the best
9 interest of all local citizens. If the department, after a
10 hearing, determines that a project is not being operated or
11 managed in the best interests of the local citizens, the
12 department may intervene in the operation and management with
13 full powers, including the power to set and collect assessments
14 from members of the association and use the same for the proper
15 operation and management of the project."